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CERTIFIED TRUE COPY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF	)	
	)	Administrative Action
TEODORO C. BRIONES, D.D.S.	)	
LICENSE NO. DI 18104	)	FINAL ORDER
	)	OF DISCIPLINE
TO PRACTICE DENTISTRY	)	
IN THE STATE OF NEW JERSEY	)	

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This matter was opened by the New Jersey State Board of Dentistry ("Board") by the issuance of a Provisional Order of Discipline against Teodoro C. Briones, D.D.S. ("respondent"). In response to the Provisional Order, Dr. Briones, through counsel, submitted a certification in opposition to the proposed suspension. The Board has reviewed that document and the file in this matter and now makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is a dentist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent was arrested on January 15, 1996 in Jersey City, New Jersey and charged with criminal sexual contact.

3. On May 13, 1996, respondent was indicted in Hudson County, New Jersey on charges of committing an act of sexual contact with P.S. by using physical force or coercion, for the purpose of sexually arousing or sexually gratifying himself and/or to humiliate or degrade P.S., contrary to the provisions of N.J.S.A. 2C:14-3B.

4. On October 29, 1996, respondent enrolled in the Pretrial Intervention Program.

5. On October 26, 1998, following respondent's completion of the Pretrial Intervention Program, the matter was adjudicated "Complaint dismissed - matter adjusted."

6. On April 8, 1998, respondent signed his license renewal application on which he certified that the information on the form was true and complete.

7. In response to question 2: "Have you been arrested, charged or convicted for the violation of any law or regulation since your last renewal?" respondent checked "NO."

8. On April 8, 1998, the date on which respondent signed the application, he had been arrested and charged with violation of laws.

9. Respondent submitted a renewal application to the Board which contained false information.

10. Respondent does not deny that he answered question 2 in the negative, but asserts that he believed that he could

answer no in light of his admission into the pre trial intervention program.

#### DISCUSSION

In his certification submitted in opposition to the provisional order, respondent stated: "Prior to, during and after entry into the Pretrial Intervention Program, I was continually advised by my attorney and the staff of the Pretrial Intervention Program that I would 'not have a record' upon completion of the program." Respondent acknowledged that he completed the program on October 26, 1998. His explanation for not answering "yes" to the relevant question concerning arrests on the application for renewal that he completed in April was: "When I checked the box indicating I had no arrest, charge or conviction, I assumed, since I was continually advised it would be a Dismissal (therefore not a conviction) and I would 'not have a record', that the admission to PTI resulted in 'no record' of arrest, charge or conviction pending further order of the Court." Respondent, asserting that he had no experience with the criminal justice system, further certified: "Certainly, I did not attempt to deceive the Board since I assumed the Board was previously aware of the nature of the allegations."

Respondent's certification does not challenge the Board's finding that he submitted a false statement to the Board in connection with his renewal. In fact, his certification highlights his knowledge that he would not have a "record" after completion of the program. Respondent did not complete the program until six months after he submitted his renewal form. While he asserted that he was continually advised by his counsel that he would have no

record, respondent did not certify that he asked his counsel whether he needed to disclose his arrest and indictment to the Board on his renewal application. Further, if, as respondent claimed, he assumed the Board was previously aware of the nature of the allegations, then respondent should have had no hesitation in answering the question affirmatively.

The Board is not persuaded by respondent's argument that he was unaware that he had to disclose his arrest and indictment for criminal sexual contact with a patient. Respondent did not telephone or write to the Board to obtain clarification of his obligation to disclose while participating in the pretrial intervention program. Indeed the failure to disclose had the capacity to compromise and did compromise the ability of the Board to investigate the underlying allegations of misconduct. Clearly this conduct, if proven, would warrant severe disciplinary action by this Board. That the criminal justice system in this State allowed respondent to enter the pre trial intervention program is not and cannot be used to avoid the scrutiny of the licensing Board whose statutory mandate is to protect the public.

#### CONCLUSIONS OF LAW

The above findings provide grounds for disciplinary action against respondent pursuant to N.J.S.A. 45:1-21 (a) and/or (b), in that respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in his attempt to obtain renewal of his license to practice dentistry.

ACCORDINGLY, IT IS ON THIS 18<sup>th</sup> DAY OF OCTOBER, 1999,

ORDERED that:

1. The license of Teodoro C. Briones, D.D.S., be suspended for a period of five years, one year of which shall be served as an active suspension and the remaining four years to be served as a period of probation. The suspension shall commence 20 days from the date of entry of this order. Respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental services rendered by other licensees for patients of respondent's practice during the period of active suspension. Respondent shall not be permitted to enter the premises of the dental facility during the period of active suspension or provide consultation to any other licensees rendering treatment to patients of respondent or sign or submit insurance claim forms for treatment rendered during the period of active suspension or render administrative or other supervisory duties during that time.

2. In addition to and notwithstanding the period of active suspension set forth in paragraph 2 above, respondent's license shall continue to be suspended and shall not be renewed unless and until he complies fully with the terms of this Order.

3. Respondent shall, upon entry of this final order of discipline, pay a civil penalty in the amount of \$2,500 for engaging in the use or employment of dishonesty, fraud, deception misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21 (a) and/or (b). Payment shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Agnes Clarke, Executive Director, Board of


Dentistry, P.O. Box 45005, Sixth Floor, 124 Halsey Street, Newark,  
New Jersey 07101.

4. Respondent shall, within 30 days of the entry of a final order of discipline in this matter, pay costs of investigation in the amount of \$ 1,954.13. Payment shall be made by certified check or money order, payable to the State of New Jersey and forwarded to Agnes Clarke, Executive Director, Board of Dentistry, at the address set forth in paragraph 3 above.

5. Prior to resuming active practice, respondent, at his expense, shall submit to a comprehensive psychological evaluation by a Board approved psychiatrist or psychologist. Respondent shall cause the report of the examination to be forwarded to the Board for its consideration. The Board may, in its sole discretion, determine that respondent shall appear before the Board in connection with his application to resume practice.

New Jersey Board of Dentistry

By: \_\_\_\_\_

 D.D.S.  
Henry Finger, D.D.S.  
President